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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JAN LASHLEY AND JERRY LASHLEY)
12 Plaintiff,)
13 v.)
14 UNITED STATES OF AMERICA)
15 Defendant.)

No. C 05-3288 WHA

**JOINT STIPULATION FOR
ADMINISTRATIVE RELIEF UNDER
CIVIL LOCAL RULE 7-11 AND
~~PROPOSED~~ ORDER**

1 Subject to the Agreement of the Court, the Parties Stipulate by and through their counsel
2 of record to extend the time period for completion of mediation in this case from February 17,
3 2006 to March 3, 2006, for the reasons outlined in this stipulation:

- 4 1. This case involves personal injuries to Jan Lashley suffered when she fell on a
5 staircase at Battery Mendell in Marin County in August 2004. Her husband Jerry
6 Lashley has a loss of consortium claim. The Lashleys are residents of Ohio.
- 7 2. The parties make this request due to health concerns for plaintiff Jerry Lashley,
8 which have made it difficult for counsel to schedule the plaintiffs' depositions. In
9 November 2003 Mr. Lashley suffered a heart attack and doctors installed both a
10 pacemaker, and a defibrillator. Recently, in October 2005, he was diagnosed with
11 congestive heart failure and admitted to the intensive care unit of a hospital.
12 During this admission he also experienced kidney failure. He was discharged in
13 late October 2005, but returned to the hospital in early November 2005. He spent
14 much of November 2005 in and out of the hospital with both heart and kidney
15 problems. He has been told he is in very frail health. While these serious medical
16 problems are unrelated to the claims in this case, they have prevented Mr. Lashley
17 from participating in the proceedings through giving his deposition.
- 18 3. Counsel have scheduled Mr. Lashley's deposition for February 16, 2006 in
19 Columbus, Ohio. Plaintiff's counsel has been advised that Mr. Lashley will be
20 able to go forward at that time. Earlier efforts by the parties to schedule Mr.
21 Lashley's deposition have not been successful due to his serious medical
22 problems.
- 23 4. Under the pending case management timetable for this case, the mediation must
24 be completed by February 17, 2006.
- 25 5. Both parties, as well as the mediator Christopher Johns, agree that the plaintiffs'
26 depositions should be completed before the mediation. In order to give the parties
27 a short period of time to analyze the plaintiffs' testimony and prepare for the
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mediation, the parties request a brief extension of the deadline for completing the mediation.

Under Civil Local Rule 7-11, the parties stipulate to the extension of the time period for completion of mediation in this case by approximately 14 days, through and including March 3, 2006, and request that the Court sign the order below. The parties and the mediator have tentatively agreed to conduct the mediation on February 28, 2006, provided this application is successful.

SO STIPULATED.

DATED: January 5, 2006

WALKUP MELODIA KELLY WECHT &
SCHOENBERGER

/s/
DOUGLAS S. SAELTZER
Attorney for Plaintiff Donna Stafford

DATED: January 5, 2006

KEVIN V. RYAN
United States Attorney

/s/
JONATHAN U. LEE
Assistant United States Attorney
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: January 6, 2006

HON. WILIAM ALSUP
UNITED STATES DISTRICT COURT JUDGE

